

REMARKS

This Amendment is responsive to the Office Action identified above, and in any manner indicated below.

AMENDMENT TO THE SPECIFICATION

Applicant has updated the first paragraph of the specification containing the information identifying co-pending applications.

PENDING CLAIMS

Claims 15-27 were pending, under consideration and subject to examination in the Office Action. At entry of this paper, Claims 15-27 remain pending for further consideration and examination in the application.

COURTESY RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT

Item 2 on page 2 of the Office Action indicated that the Information Disclosure Statement (IDS) filed 21 February 2002 is no longer present in the Office file for the present application, and suggests resubmission of the Form PTO-1449 for initialing by the Examiner in response to the Office Action. However, Applicant respectfully points out that an initialed copy of the Form PTO-1449 was returned to Applicant with the Office Action mailed 28 March 2003 in the present application. Therefore, Applicant does not require another initialed Form PTO-1449.

In view of the indication that the original papers have been lost, for the convenience of the Office, attached hereto is a substantially identical courtesy copy

of the filing, including the IDS, Form PTO-1449, Korean Office Action and Japanese references/English language Abstracts, all as formally submitted 21 February 2002, along with a copy of a receipt postcard carrying the OIPE date stamp thereon as *prima facie* evidence of the original filing.

SUPPLEMENTAL DECLARATION-TRAVERSED AS UNNECESSARY/IMPROPER

Item 3 on page 2 of the Office Action indicates that a Supplemental Reissue Oath or Declaration is required, and Claims 17 and 18 are rejected as being based upon a defective reissue oath/declaration. However, no grounds whatsoever are given for rejection of Claims 17 and 18 based on the Reissue Declaration filed with the present application, even though such is indicated ("The nature of the defect is set forth above.") in the second paragraph of Item 3. In any event, Applicant respectfully traverses the requirement for a Supplemental Reissue Declaration because no grounds exist for imposition of the requirement, as discussed below.

A Reissue Declaration must list at least one error being corrected. For any error corrected under 35 USC §251 which is not covered by the original Reissue Declaration, a Supplemental Reissue Oath or Declaration must be submitted. However, Applicant respectfully submits that the error, that Applicant claimed less than he had a right to and was submitting claims directed to both a device and a method of manufacturing the device, was specifically stated and covered in the original Declaration filed with the application. In the original submission, new Claims 15-27, presented by Preliminary Amendment filed with the application,

claimed both a device and a method of manufacturing the device. Therefore, **Applicant corrected only the error stated in the Declaration.** Beyond errors under 35 USC §251, Applicant also has corrected minor typographical errors, *i.e.*, Claims 15-27 are substantially identical to Claims 37-49 as cancelled from parent reissue application Serial No. 09/328,910, and Claims 17 and 18 contained the exact same typographical error which was present in the preamble of Claims 39 and 40. Therefore, Applicant amended Claims 17 and 18 **solely** to correct an obvious and common **clerical error**. MPEP §1414.01 states that if additional defects or errors are corrected after filing of the application and the original Reissue Declaration, a supplemental Oath or Declaration must be filed **“unless all additional errors corrected are spelling, grammar, typographical, editorial or clerical errors which are not errors under 35 USC §251”** (emphasis added). Accordingly, Applicant respectfully submits that a supplemental Reissue Declaration is not needed for the amendments to Claims 17 and 18. The distinction is that **no error in the patent has been corrected other than that already listed in the original Declaration as filed.** Claims 17 and 18 merely required conformation of a clerical nature, correction of a typographical error, to remove language which, as is apparent from all of the other pending Claims 16, 19 and 20 as originally submitted (and substantially identical to those claims cancelled from parent application Serial No. 09/328,910) which are directly or indirectly dependent upon device Claim 15, was a simple and all too common preparation error. **Accordingly, Applicant respectfully traverses the requirement for a Supplemental Reissue Declaration, and requests reconsideration and withdrawal.**

In the event that the Examiner continues the requirement for a Supplemental Reissue Declaration, Applicant respectfully requires the Examiner to state with specificity the error under 35 USC §251 which is not listed in the original Reissue Declaration which Applicant has corrected.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the claims listed above as presently pending in this divisional reissue application are in condition for allowance, and a Notice of Allowance is respectfully requested.

This Response is being submitted within the shortened statutory period for response set by the *ex parte* Quayle Office Action dated 18 November 2003

(18 January 2004 being a Sunday, 19 January 2004 being a national holiday), and therefore, no Petition or fee is required for entry of this paper. To whatever other extent is actually necessary, Applicant petitions for an extension of time under 37 CFR §1.136. Please charge any shortage in fees necessitated by this paper to ATS&K Deposit Account No. 01-2135 (as Order No. 501.32049RV1).

Respectfully submitted,



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ATTACHMENTS:
IDS/PTO-1449/KR OA/JP Refs./Absts.
and Date-Stamped Postcard